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RUEHBJ/AMEMBASSY BEIJING 0943
RUEHKO/AMEMBASSY TOKYO 1646
RUCNDT/USMISSION USUN NEW YORK 2312
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SUBJECT: KAZAKHSTAN: INTERNET LAW PASSES THROUGH FIRST READING IN
PARLIAMENT, IMPROVEMENTS SUBSEQUENTLY INCORPORATED

REF: ASTANA 0345

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: On April 29, the Mazhilis (the lower house of the parliament) approved at a first reading a controversial draft law on the Internet. The draft now has to go through a second reading before being presented to the Senate. On May 7, the Mazhilis legislative working group appears to have further improved the text, deleting a controversial proposal that the Procurator General be given the authority to shut down websites found to contain information that contradicts Kazakhstani legislation. The move was likely precipitated by the barrage of criticism heard from both local and international observers, including from the visiting Director of OSCE's Office for Democratic Institutions and Human Rights (ODIHR), Janez Lenarcic. END SUMMARY.

DRAFT LAW PASSES FIRST READING...

¶3. (SBU) On April 29, the Mazhilis (the lower house of the parliament) approved at a first reading amendments to Kazakhstan's legislation governing the Internet (reftel). The draft now has to go through a second Mazhilis reading before it can move to the Senate. The Chairman of the Agency for Information and Communication (AIC), Kuanyshbek Yesekeyev, defended the draft law as a way to bring Kazakhstan's Internet legislation "up to modern international standards." In his presentation to the Mazhilis, Yesekeyev argued that the draft legislation would increase the responsibility of website-owners for content placed on their sites and give the government the necessary tools to battle pornography, extremist propaganda, and "the disclosure of state secrets" on the Internet. Yesekeyev's testimony was backed up by Deputy Procurator General Daulbayev, who warned the parliamentarians of the "negative role" the Internet can play should the current economic crisis bring on riots and demonstrations. Despite the fact that several Mazhilis members voiced concerns about the legislation, with one parliamentarian passionately arguing that passing the law "will not fix anything and could possibly damage everything," the legislation passed through the first reading with majority support.

... AND UNDERGOES SOME IMPROVEMENT

14. (SBU) The draft law, if adopted in its current form, would reclassify all web resources as "media outlets," making them subject to Kazakhstan's media legislation, including its libel laws. In addition, the text which passed at the first reading also would have granted the Procurator General's Office (PGO) the right to order the suspension of any web outlet, foreign or domestic, found to contain information that contradicts Kazakhstan's legislation. However, following strong criticism from both local and international observers, the parliamentary working group responsible for preparing the draft for its second Mazhilis reading opted on May 7 to delete the reference to the special powers of the PGO, leaving the power to shut down sites solely in the hands of the courts. AIC Chairman Yesekeyev told media that he will lobby the parliament to have that provision reinstated.

INITIAL RECEPTION CRITICAL

15. (SBU) The working group's decision to tweak the draft law was likely the result of the cold public reception it initially received. The law's first reading coincided with the visit to Astana of Janez Lenarcic, the Director of OSCE's Office of Democratic Institutions and Human Rights (ODIHR), who was in Kazakhstan for high-level bilateral meetings. Lenarcic publicly called on Kazakhstan to consult with ODIHR on the draft legislation and stressed that freedom of speech is one of OSCE's fundamental commitments. His comments mirrored those previously voiced by OSCE Special Representative on Media Freedom Miklos Haraszti. In a March 5 letter to Foreign Minister Tazhin, Haraszti criticized the draft law for limiting freedom of expression on the Internet and contradicting OSCE and Council of Europe standards.

16. (SBU) Media freedom activists have voiced sharp opposition to

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the law, arguing that it would place undue restrictions on site content and open the door for Internet censorship. An initiative group of young bloggers, in association with media watch-dog NGO Adil Soz, registered their views by mailing to the parliament a computer keyboard wrapped in chains. One opposition website railed against the government for trying to turn Kazakhstan into North Korea and "attempting to control the uncontrollable."

17. (SBU) Perhaps most notable, however, was the critical coverage the law received on main stream television, a media outlet that is usually most loyal to the government. In covering the story, a reporter for the government-owned KTK channel sarcastically commented that the majority of parliamentarians cannot use the Internet without the help of their assistants and yet had to pretend to be advanced computer-users for the day. He also wondered how the Mazhilis expected the PGO to check the content of over 6,000 Kazakhstani websites. Astana TV, a subsidiary of the Nur-Media holding company, which is controlled by the ruling Nur Otan party, ran a tongue-in-cheek report congratulating the parliamentarians for showing "amazing unanimity and speed" in assuring that "order reigns on the Internet." Even Khabar TV, a channel known for its positive coverage of the Mazhilis, allowed itself a sly comment that if the law passes, users will need to watch what they write in their Internet diaries.

18. (SBU) COMMENT: The changes made by the Mazhilis working group are certainly an improvement, although the draft law still contains a number of problematic provisions. What is clear, however, is that civil society is readily articulating its concerns, and, most notably, the Mazhilis seems to be willing to respond to them. END COMMENT.

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